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# **PUBLIC CHOICE AND THE LAW**

## **SEMINAR READINGS**

**Prof. Saul Levmore  
September 2000**

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FACULTY OF LAW  
UNIVERSITY OF TORONTO

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# **Public Choice and the Law (387HF)**

September 2000

Prof. Saul Levmore

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## **I. Introduction and Voting Paradoxes**

McLean, Public Choice: An Introduction (selection on voting paradoxes)

Levmore, Parliamentary Law, Majority Decisionmaking, and The Voting Paradox  
(procedural reactions and voting formats)

## **II. Majority Voting**

Levmore, Conjunction, and Aggregation (Condorcet Jury Theorem)

Mueller, Constitutional Democracy 158-59, 285-88.

## **III. A. Styles of Representative Democracy**

Mueller, Constitutional Democracy

## **B. Voting, Markets, and Intensities**

Hasen, Vote Buying

Levmore, Voting with Intensity

## **IV. Interest Groups and Coalitions**

### **A. Formation**

McLean (theories of group formation and coalition size)

Levmore, Voting Paradoxes and Interest Groups

### **B. (A Sample) Legal Reaction**

Takings Cases: Miller v Schoene, 276 U.S. 272 ((1927); Kinzli v. City of Santa Cruz, 620 F.Supp. 609 (N.D. Cal. 1985).

## **V. Courts (and other committees)**

Easterbrook, Ways of Criticizing the Court

Shepsle, Congress is a "They," Not an "It"

## **VI. Courts and Their Rules and Reach**

Elhauge, Does Interest Group Theory Justify More Intrusive Judicial Review

## **VII. Structural Issues**

U.S. Term Limits v. Thornton, 514 U.S. 779 (1995)

Bicameralism

Direct Democracy [students choose reading (article or cases)]

## **VIII. Behavior on Courts and in Groups**

Caminker, Sincere and Strategic Voting Norms on Multimember Courts

